

(P-13)

Previous references.

S.R. 6797-98

8/1-25, 15. Jan 05 T913:14

(S.R)

File No. 45-13

Serial Nos. 1 and 2

Later references.

45-22-184.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 and 2

Part B for September 1916

SUBJECT.

Claim of the Sringeri Matt to the fines
levied from the excise licensees within the
jaghir-

561 Proposal-

States that his predecessor in office
was of opinion that the Sringeri Matt was
entitled to the amount of fine levied
departmentally within the jurisdiction of the
jaghir from licensees of excise shops.

Submits a refund bill for Rs 13½ being
the amount collected from 1907-8 to 1910-11
no amount having been recovered in

P.7.0/

precious years, and represents text, of Govt.
are pleased to concede the items in question
to the Agent of the Mutt, the bill will be
sanctioned by him -

Sl. 2. Order:-

State that the Sringeri Math
is entitled to fines levied from excise
licenses by departmental officers -

M. Panthavanth
22/11/16 }
30-9-16 }

GENERAL AND REVENUE SECRETARIAT.

(S. R.)

NOTES.

File No. 45-13.

FILE HEADING.

Claim of the Sringeri Matt to the fines levied ~~there~~ from the excise licensees within the Jaghir.

From

The Excise Commr in Mysore.

No. 1358

Dated 29/7/13

Received 1/8/13.

Diary No.

528

Enclos. 1 ^{filed} Spare Copies. —

two bills

Serial No. 1.

BRIEF ABSTRACT OF LETTER.

States that his predecessor in office was of opinion that the Sringeri Matt was entitled to the amount of ^{fine} levied departmentally within the jurisdiction of the Jaghir from licensees of excise shops, submits a refund bill for Rs 13-8-0 being the amount collected from 1907-8, 1910-11, no amount having been recovered in previous years, and ~~represents~~ ^{represents} that, if Govt are pleased to concede the items in question to the Agent of the Matt, the ^{bill} ~~same~~ will be ^{sanctioned} ~~referred to Govt~~ by him.

NOTES AND ORDERS.

1. The Excise Commr considered in March 1912 that as the Sringeri Jaghir was entitled ~~was~~ to all the excise revenue, the claim of the Matt to the departmental collection

* Files on this point are put up in the Sringeri Jaghir files.

NOTES—First Sheet.

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No.

of fines levied from defaulting toddy contractors was made out.

2 Regarding the nature and credit of fines in excise cases, the following ^{two points are} noted.

1. Fines imposed by the Magistracy is credited to "Law & Justice", while those imposed or realised by Revenue ~~and Excise~~ Officers in their executive capacity, are credited to "Excise".

(G.O. of 24th August 1893)

2. As fines represent compensation for loss and penalty for infringement of rules, the amount so levied for illicit tapping of toddy trees has to be credited to "Excise Miscellaneous", half the ~~portion~~ portion of fine levied on private trees being given to the owner thereof, after deducting the amount of reward, if any, paid to informants and others.

(G.O's of 3rd Decr 1898 & 29th Sep^r 1902).

3 When the tree-tax system was ~~introduced~~ introduced into the jaghirs, the Agent of the Hunt was invested with certain powers under the Excise Regⁿ

4 (2 Mar 1898)
The Mysore Excise
Manual).

Pages 109 & 115 of the Mysore
Excise Manual (57491).

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No.

X

Regulation, viz, powers of a Dy Commr under secs 13, 15, 20, 22, 25, & 26. Whereas the power under sec 28 was withheld. But with regard to the items of excise revenue, viz, track, ganja & opium, the Agent does not seem to be empowered to exercise any powers, though he is entitled to all items of revenue in the jaghir viz track, ganja, opium & toddy.

4 For purposes of Excise Admin, the control has to be considered to be in the hands of Govt; and even in the case of toddy, Govt have full control over the collection of revenue and more so of compounding with licensees for offences committed by them; as the Agent cannot recover the ordinary dues from the licensees under sec 28, ~~he cannot~~ ^{as he} can have no power to receive any money by way of compounding under sec 67, the same ^{not} having been ^{expressly} delegated to him.

5 The fine imposed on the ^{excise} licensee either by way of punishment or by way of compensation for loss cannot perhaps be considered to be included among all items of excise revenue, the right to which has been conceded by Govt.

vide note on Page 47 of
the Dy Commr's Manual
Vol I.

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He found that the miandar is entitled to the same on account of ~~land~~ samad or long enjoyment. It may also be mentioned that no miandar in the State is considered to be entitled to this item of revenue, though they enjoy amack and today revenue. The nature of fines recovered from licensees when offences are departmentally compounded ^{is} of a quasi-judicial character and it is doubtful how far the analogy of ~~say~~ customs, on which the Agent bases his claim to fines, will help the Jaghirdar. Moreover the case of fines imposed in connection with illicit tapping of trees appears to be of a different nature altogether, as a portion of this item is given away to every owner of trees, whether privileged or non privileged, according to the order of 1902.

b The bill now sent up includes items of fines recovered from amack, today and ganga licensees; whereas the Dy. Commr has, in his letter of the 12th March 1912 to the Dy. Commr, stated that the Jaghirdar is entitled to fines recovered from defaulting today contractors. Even

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for this no reasons are assigned except that
the jaghirdar is entitled to all items of revenue

7 The Excise Commr states that if the
Govt are pleased to concede the items referred
to in the bill, the same will be refunded by him,
perhaps under the power delegated to him
in the G.O. of January 1910. (Page 50 of the
Excise Manual).

Sd/- for order.

15/3/15

13/2/15

15/3/15

The Excise Commr should have obtained
permission of Govt before definitely
stating that the Jaghirdar was
entitled to 'def. fines'. As has been
noted above 'def. fines' are of a quasi-
judicial character and are imposed
for two purposes.

1) to compensate for loss
& 2) to serve as a penalty for
the infringement of rules - [Page 115
Excise Manual - 11.]

If the Jaghirdar has no right to (2)
above as pointed out in the office
note above and if Govt are disposed
to admit any claim at all it
should be only No (1) above but even
this is doubtful. as fines cannot be

regarded as
2nd member)

17.2.15.

at
The old files relating to the
privileges of the Jaghirdar
under the old rule with
regard to all items of
revenue have been
worked into. They were not
readily available.

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No.

10 What is the practice in the case of
Zelaudan Jacharis?

9/3 ^{well}
_{sur 1/3}

11 The files ~~of this~~ relating to the powers
and concessions enjoyed by the Jaghirdar
of Zelaudan ~~house~~ are being subd in
one connection or another and the
same are not available for reference.

12 But from the ^{personal} enquiries made
it is found that according to the
Chief Commr's order no. 2115/23 of the
20th July 1870 ^{The Jaghirdar} is enjoying the
income from the collections in
civil and criminal courts. An
abstract of the f.d. runs as follows:-
"Chief Commr's order no. 2115/23 of
20/7/1870 authorising the payment
to the Jaghir monthly of the collections
made within the Jaghir under the
head "civil and criminal courts"
with effect from the year 1870-71.

13 Fines levied in Criminal
Courts are covered by this order
and are paid to the Jaghirdar
monthly. But the fines con-
templated in this reference

The file is not available
for ref. as it is not held.

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No.

from the Sniggi Jajhi relate to
fines levied ^{by Departmental Officers} from Excise licensees.
Moreover the fine referred to as the
income of the Yelandar Jajhidar
has no particular reference to the
excise Dept. The question relating
thereto ^(ie the excise revenue) being still under the con-
sideration of Govt. ~~the~~
Sub for order.

356/16

30/6/16. 14. Even the right of the Jajhidar & Yelandar
to these revenue has not yet been recognised. He
is at present receiving only advances of the
toddy shop rentals and he is not getting
fines under the Excise Regulation.

15 But it appears that the realisations
- including fines -
in Civil & Criminal Courts are being paid to the
Yelandar Jajhidar under the authority
of Chief Commr's no 2115/23 dated 30.7.1890.

Revised]

16 The point raised is whether the ^{11.7.16.} Departmental
fines imposed on & levied from ~~the~~ licensees
for the infringement of the Excise rules in connection
with the license within the limits of the Sniggi
Jajhi should or should not be credited to
the Jajhi Revenue. The Dy Commr of Kurnool
& the Jajhi Commr support the claim of the
Agent of the Sniggi Mutt.
17 The fines imposed by the Court (not) are not

526

G. R. S. 12]

General and Revenue
Secretariat.

S.R. File No. 45

of 1913.

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No.

claimed by the Mutt; & it serves no useful
purpose to grant the (high court) order concerning
the right on such files to the Yelastur Jarapin-
18. Paragraphs 8 & 9 of the Mutt are to the
point & order are justified -
(M. Mutt).

323
12.7.16

11-7-1916

This file is 3 years old! Blamed little
to know why this been delayed so
long.

as to the Japi is settled well
then of their revenue, it seems
the rule to be fine also in
my reference the revenue.

21. 11. 1915: For order.

73.7

1915?

1915?

The delay of 3 years in putting up
the Reference - what for by the Mutt
of Council on the 9th March 13 may be
explained & the file add to demand for
information.

13.7.1916
23

23

Draft subd for orders.

15/7/1916

Revised

17.7.16.

Draft put up as a recommendation
with the copy furnished for the
delay in bringing out the Commission
file - The Agent to the British Mutt
claims only the Departmental
& not fines (which he does not
justify) & in cases particularly
dealt with under these laws

Explanation for delay
is based on a routine
note kept before
17.7.16.

79
20.7

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue
Secretariat.

S.R. File No. 45 of 1913.

Serial
No.

25-

Approved. H

47

482
24.7.16

26. (Submitted to the Secy) Ld 22.7.16

27. The draft approved by the Secy is ready for issue.

19.9.16.

Ab

19.9.16
28. Issue ready

To The Excise Comr & the Comptroller to Govt.

Fl. No. 1848-9 dt 25.9.16

2. With ref. to Sl 1, states that the Singheri Jaghai is entitled to fines levied from excise licensees by departmental officers.

No 1358

Enc: 1 file + 2 bills

OFFICE OF THE EXCISE COMMISSIONER IN MYSORE.

Bangalore, dated 29th July 1913.

3/01-

FROM

M. Kantaraj Urs, Esq., B.A.,
Excise Commissioner in Mysore.

TO

K. R. Srinivasiengar, Esq., M.A.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments.

Sir,

In submitting herewith in original for reference and kind return the file of records No.80 of 1911-12 in re the Sringeri Jahagir claim to the fine amount levied departmentally within the jurisdiction of the Jahagir on licensees of Excise shops, I have the honor to state that the question was raised by the Agent of the Matt on 4-1-12 and that the Deputy Commissioner of the Kadur District, while submitting the Agent's Memorial to this office for orders has supported the claim.

2. Thereupon my predecessor in office Mr. C.Srikantesvara Aiyar was of opinion that the Matt is entitled to the amount of fine and has accordingly called upon the Deputy Commissioner to submit the refund bill with reference to the claim in question.

3. The Deputy Commissioner, Kadur has now submitted a refund bill in duplicate for the years 1907-08 to 1910-11 for an aggregate sum of Rs13/8/0 and states that no amount was realised under that item during the ^{past} years.

4. If the Government are pleased to concede the item of revenue now claimed by the Agent of the Matt, the accompanying refund bill will be sanctioned by me.

I have the honor to be,
Sir,
Your most obedient servant,



for Excise Commissioner.

FROM

Excise Commissioner in Mysore.

To

K. R. S. S.

*Secretary to the Government of
H. H. the Maharaja of Mysore,
Gen. and Rev. Depts.*

Dated 29th July 1913.

Despatched 31st July 1913

Received

General No. 1377

Enclosure No. 1

SUBJECT.

Submitting a second bill in duplicate, for the claim of the Jahagirdar's Agent to the fine amount levied departmentally in the jurisdiction of the Jahagirdar's Agent's Shop and requesting order of Govt. for settling it.

DIARY No 528

10/3-10/4	
SECTION	2A
FILE NO.	45-13
SERIAL NO.	1

State the Sringeri Jaghir is entitled to
fines levied from excise licensees by depart-
mental officers.

82

File No. 45-13.

Serial No. 2

Diary No. of letter replied to 528

Proceedings of the Government of His Highness
the Maharaja of Mysore

GENERAL AND REVENUE
SECRETARIAT.

(8R)

READ—

para in the

191

Date of issue

25 Sept 16

Signed by

W. Shanmuga

Letter no. 1358 of the 29/7/1913 from the Excise

Commr in Mysore, stating that the Dy. Commr

Kader Dt., submitted a refund bill for

Rs 13-8-0 in favour of the Sringeri Jaghir for

~~ORDER THEREON~~ No.

fines levied by departmental
officers from the licensees of
excise shops within the juris-
diction of the Jaghir from
1907-08 to 1910-11, and soliciting orders
thereon over.

SUBJECT.

11/1/17
(10)

order there-in
no 1848-9 - 25 Sept/16

As the jaghir is entitled
to all items of excise revenue,
Govt consider that it is en-
titled to the fines in question
which only safeguard the
said revenue. The Excise Com
will deal with the bill accordingly.

Mk 11-7-16
Rev Secy to Govt.

1/2
17/7/16

To the Excise Commr, with records
& the Comptroller to Govt.

1/2-56
5/7/15/16.